

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

CRYSTAL MONAGHAN  
Plaintiff

v.

PORTFOLIO RECOVERY ASSOCIATES,  
LLC  
Defendant

JURY TRIAL DEMANDED  
Case No.

**COMPLAINT**

AND NOW, comes the Plaintiff, Crystal Monaghan, by and through her attorney, Mark G. Moynihan, Esquire, and in support of this Complaint states and avers as follows:

1. Defendant, Portfolio Recovery Associates, LLC, violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (“FDCPA”).
2. This Court has jurisdiction. 15 U.S.C. § 1692k(d); 28 U.S.C. § 1331, § 1367.
3. Plaintiff, Crystal Monaghan (“Monaghan”), is a natural person who resides in the Commonwealth of Pennsylvania.
4. Plaintiff is a consumer as defined in the FDCPA.
5. Plaintiff allegedly incurred a financial obligation that was primarily for personal, family or household purposes, and is therefore a “debt” as that term is defined by 15 U.S.C. § 1692a(5).
6. Defendant, Portfolio Recovery Associates, LLC (“Portfolio”), is a business entity with offices in Norfolk, Virginia.
7. Portfolio acts as a debt collector as defined by § 1692a of the FDCPA because it regularly uses the mails and/or the telephone to collect, or attempt to collect, directly or indirectly, delinquent consumer debts.

8. On or about November 14, 2013, Portfolio caused to be filed a collection lawsuit against Monaghan in the Court of Common Pleas of Allegheny County in an effort to collect a consumer account identified as being a GE Capital Retail Bank account.

9. On December 11, 2013 Monaghan's counsel entered his appearance on behalf of Monaghan in the aforementioned case.

10. Also on December 11, 2013, Monaghan, through her counsel and by letter mailed by USPS first class mail, informed Portfolio that she was represented by counsel, disputed the debt, and requested that Portfolio cease contacting her with respect to the GE Capital Retail Bank account.

11. On or about December 27, 2013, 16 days after notice of Monaghan being represented by counsel, Portfolio intentionally and/or negligently sent Monaghan an Important Notice, in an attempt to collect the debt.

12. Monaghan's counsel never terminated his representation of Monaghan.

13. Portfolio never sent a copy of the December 27, 2013 Important Notice to Monaghan's counsel.

#### **COUNT I – FAIR DEBT COLLECTION PRACTICES ACT**

14. Portfolio violated 15 U.S.C. § 1692c(a)(2) when they contacted a consumer knowing that she was represented by counsel and had requested no further collection efforts.

15. Portfolio violated 15 U.S.C. § 1692d by contacting a consumer with the intent to harass, oppress, or abuse her in connection with the collection of a debt.

16. Portfolio violated 15 U.S.C. § 1692e by using false, deceptive, or misleading means in connection with the debt collection.

17. Portfolio violated 15 U.S.C. § 1692e(5) by threatening to take an action that cannot legally be taken or that it did not intend to take.

18. Portfolio violated 15 U.S.C. § 1692f by using unfair or unconscionable means to collect or attempt to collect any debt.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, Crystal Monaghan, respectfully prays that relief be granted as follows:

- a. That judgment be entered against the Defendant for \$1,000 statutory damages, pursuant to 15 U.S.C § 1692k;
- b. That the Court award costs and reasonable attorneys' fees, pursuant to 15 U.S.C § 1692k(a)(3); and
- c. That the Court grant such other and further relief as may be just and proper.

Respectfully submitted,

Dated: 11/26/2014

By:

/s/ Mark G. Moynihan  
Mark G. Moynihan, Esquire  
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## **VERIFICATION OF COMPLAINT AND CERTIFICATION**

COMMONWEALTH OF PENNSYLVANIA )  
 ) ss  
COUNTY OF ALLEGHENY )

Pursuant to 28 U.S.C. § 1746, Plaintiff, Crystal Monaghan, having first been duly sworn and upon oath, verifies, certifies, and declares as follows:

1. I am a Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorney and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorney which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorney where appropriate, I have not altered, changed, modified, or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 25, 2014  
Month Day Year

Crystal monaghan  
Signature